

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALAI POE TAUAI,

Defendant.

CASE NO. CR11-83-RAJ

**DETENTION ORDER RE:
ALLEGATIONS OF VIOLATION
OF CONDITIONS OF
SUPERVISION**

THIS MATTER comes on for an initial hearing on the Petition of the United States Probation Office alleging that the defendant has violated the conditions of supervision.

The government appears through Assistant United States Attorney Katheryn Frierson.

The defendant appears personally and represented by counsel, Meriam Schwartz.

The U.S. Probation Office has filed (Dkt. 167, 168) a petition and supplemental report alleging violations #4 through #8 of the terms and conditions of supervision (terms and conditions imposed by Judge Richard A. Jones, Dkt. 155). Judge James L. Robart issued a warrant for the defendant's arrest, and the defendant has been advised of the allegation(s).

1 Magistrate Judge John L. Weinberg previously released the defendant on bond
2 pending a revocation hearing concerning the petition on the first set of alleged
3 violations #1 through #3. Dkt. 157, 158, 162.

4 The Court schedules a hearing on the petition concerning all violations (1-8) to be
5 held at the time and date below set forth before Judge Richard A. Jones:

6 Date of hearing: Friday, January 11, 2019

7 Time of hearing: 9:30am

8 IT IS ORDERED that the defendant

9 Be released on an appearance bond, subject to the terms and conditions set forth
10 thereon.

11 X Be detained because the defense did not overcome the rebuttable presumption
12 that Mr. Tauai poses a serious risk of flight and potential for danger to the
13 community, and there is no condition or combination of conditions that would
14 reasonably ensure community safety or Mr. Tauai's appearance for court, including
15 the upcoming revocation hearing. 18 U.S.C. Section 3143(a)(1).

16 The Court reviewed the allegations and considered the arguments and information
17 presented during the detention hearing. The Court determined that the allegations
18 are serious and repetitive, indicating failure to report a change in residence, failure
19 to report for drug testing, failure to follow instructions to report to the probation
20 office, failure to follow through with mental health treatment, and failure to follow
21 through with drug treatment. The United States Probation Office reports that the
22 defendant's mental health treatment providers have terminated his treatment
23 relationship with them because he has repeatedly failed to show up for
24 appointments.

17 The defendant has significant ties to the community because of his family who are
18 supportive, and he also has a girl friend who is supportive – yet he does not appear
19 to be stable -- he is failing to obtain treatment for mental illness and he is failing to
20 submit to drug testing. These are important terms of supervised release -- he is
21 allegedly failing to present himself to probation officers for court-imposed terms of
22 supervision (Dkt. 168), does not appear for court hearings because the summons
23 was returned (Dkt. 166); nor is he safe to be in the community at this time because
24 he allegedly is not complying with drug testing or mental health treatment
25 conditions (Dkt. 157, 168). The defendant apparently has a residence where he can
26 stay with his family, yet the defendant has allegedly been away from that residence
27 and has not been forthcoming with the probation officers concerning his change of
28 residence.

23 The defendant is to be delivered as ordered by the Court for further proceedings.
24 The Court finds that no clear and convincing evidence was presented to support
25 release; thus the presumption of detention was not overcome.18 U.S.C. Section

1 3143(a)(1), CrR 32.1(a)(6), and CrR 46(d). However, the Court notes the defendant
2 asserts that he has been working, and in the event that there are additional matters
3 or information that should be considered by the Court regarding defendant's
detention status, the parties are free to make a motion for reconsideration of the
detention issue.

4 The clerks shall direct copies of this order to counsel for the United States, to counsel for
5 the defendant, the United States Marshal and to the United States Probation Office and/or
6 Pretrial Services Office.

7 Dated this 24 day of December, 2018.

8 

9 Theresa L. Fricke
10 United States Magistrate Judge